

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BARBARA STUART ROBINSON,

Plaintiff(s),

v.

KING COUNTY,

Defendant(s).

CASE NO. 2:22-cv-01254-TL

ORDER REVOKING *IN FORMA*  
*PAUPERIS*

This matter is before the Court on referral from the United States Court of Appeals for the Ninth Circuit. Dkt. No. 14. The Ninth Circuit has referred this matter back to the Court to determine if *in forma pauperis* (“IFP”) status should continue for Plaintiff Barbara Stuart Robinson’s appeal of this Court’s order and judgment dismissing her case against Defendant King County for failure to state a claim upon which relief may be granted. *See* Dkt. Nos. 10-11. The Court finds Plaintiff’s appeal to be frivolous and therefore ORDERS her *in forma pauperis* status REVOKED.

1 Ms. Robinson originally filed her case against King County pursuant to 42 U.S.C. § 1983  
2 with an application to proceed IFP. The Honorable Judge Tsuchida granted her IFP status with a  
3 recommendation that the complaint be reviewed under 28 U.S.C. § 1915(e)(2)(B) before  
4 issuance of summons. Dkt. No. 3. The case was assigned to this Court for further proceedings.  
5 Pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), the Court determined that Plaintiff's Complaint failed  
6 to state a claim upon which relief may be granted and dismissed the Complaint with leave to  
7 amend. Dkt. No. 8. Plaintiff immediately filed an Amended Complaint (Dkt. No. 9) but failed to  
8 cure the deficiencies identified by the Court. The Court therefore dismissed the case pursuant to  
9 § 1915 and entered judgment accordingly. Dkt. Nos. 10-11. Plaintiff appealed to the Ninth  
10 Circuit. *See* Dkt. No. 12.

11 The Ninth Circuit referred the matter back to this Court “for the limited purpose of  
12 determining whether in forma pauperis status should continue for this appeal or whether the  
13 appeal is frivolous or taken in bad faith” pursuant to 28 U.S.C. § 1915(a)(3). Dkt. No. 14. A  
14 good faith appeal must seek review of at least one “non-frivolous” issue or claim. *Hooker v. Am.*  
15 *Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002). A frivolous claim “lacks an arguable basis either  
16 in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). As noted in the Court's order of  
17 dismissal, Plaintiff failed to assert any “concrete facts regarding the nature of her claims and  
18 instead . . . ma[d]e general, vague, and conclusory assertions.” Dkt. No. 10 at 2. As such,  
19 Plaintiff failed to state a claim that is legally cognizable. *Id.*

20 Since none of Plaintiff's claims have an “arguable basis either in law or fact,” *Neitzke*,  
21 490 U.S. at 325, the Court ORDERS Plaintiff's IFP status REVOKED for the purpose of appeal  
22 pursuant to 28 U.S.C. 1915(a)(3).  
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1 The Clerk shall provide a copy of this order to all parties and the U.S. Court of Appeals  
2 for the Ninth Circuit.

3 Dated this 26th day of October 2022.

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6 Tana Lin  
7 United States District Judge  
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